

HOUSE BILL 2134

By Cooper B

AN ACT to amend Tennessee Code Annotated, Section 37-3-703; Title 56, Chapter 7, Part 25 and Title 68, Chapter 5, relative to health screening of children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, is amended by adding Sections 3 through 8 of this act as a new part.

SECTION 2. The general assembly finds and declares the following:

(a) That hearing loss occurs in newborns more frequently than any other health condition for which newborn screening is currently required;

(b) That early detection of hearing loss, early intervention, and early follow-up have been demonstrated to be highly effective in encouraging development of a child's health and communication and cognitive skills; and

(c) That such early screening and intervention will serve the public purposes of promoting healthy development of children and reducing public expenditures for health care, special education and related services.

SECTION 3. As used in this part and Section 9 of this act, "hearing screening " or "hearing screening test" means auditory brainstem response (ABR), automated ABR, evoked otoacoustic emissions (EOAE), or other appropriate technology. The term "hospital" shall have the meaning provided in Title 68, Chapter 11, Part 2.

SECTION 4. Every newborn infant shall be screened for hearing loss in order to prevent the consequences of unidentified hearing loss unless the parent or parents of the child object on the grounds that the test would conflict with the parent or parents' religious tenets or practices.

SECTION 5. A child born in a hospital shall be screened for hearing loss prior to discharge from that facility. The attending health care professional shall refer a child born in a setting other than a hospital to the Tennessee department of health for hearing screening. The hearing screening test must include auditory brainstem response (ABR), automated ABR, evoked otoacoustic emissions (EOAE), or other appropriate technology.

SECTION 6. The hospital conducting the hearing screening test or the department of health shall refer any child who does not pass the hearing screening test to the Tennessee Early Intervention System of the department of education for follow up.

SECTION 7. The department of health, in consultation with the department of education, shall promulgate rules and regulations in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, to effectuate the provisions of this act.

SECTION 8. (a) It is an offense for any person to knowingly fail to screen or knowingly fail to refer for screening or follow up as required by this act.

(b) A violation of this section is a Class C misdemeanor.

SECTION 9. Tennessee Code Annotated, Title 56, Chapter 7, Part 25, is amended by adding the following as a new, appropriately designated section:

Section\_\_.(a) Any individual, franchise, blanket or group health insurance policy; medical service plan contract; hospital service corporation contract; hospital and medical service corporation contract; managed health insurance issuer contract; fraternal benefits society plan; or health maintenance organization plan that provides coverage for hospital and surgical expense insurance and which is delivered, issued for delivery, amended or renewed on or after July 1, 1999, shall provide coverage for infant hearing screening tests as provided in this act.

(b) Nothing in this section shall apply to accident only, specified disease, hospital indemnity, medicare supplemental, long-term care, disability or other limited benefit insurance policies or to any employer plan exempt from regulation under Title 56 due to Section 514 of the Employee Retirement Income Security Act of 1974 ("ERISA").

SECTION 10. Tennessee Code Annotated, Section 37-3-703(c), is amended by adding the following as new subdivisions to be appropriately numbered:

- ( ) All of the children receive hearing screening by six (6) months of age;
- ( ) All of the children receive sight screening by three (3) years of age.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2000, the public welfare requiring it.